UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,557	03/29/2001	Dan Martin Scott	9090.0003-02	4971

22852 7590 09/09/2005

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
AMINI, JAVID A	

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/820,557	SCOTT ET AL.	
	Examiner	Art Unit	
	Javid A. Amini	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-12,14,15,21,22 and 24-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/14/05;4/8/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/9/2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8-12, 14-15, 21-22 and 24-27 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

1. Applicant needs to specify the step of physical position of the two maps, e.g. overlapped, side-by-side and etc.

2. Applicant needs to specify the step of identifying and computing the points are done automatically or manually.

3. The steps of how can users distinguish the points between the raster and Georeferenced maps?

Examiner's note: Applicant does not use explicitly the terms "first and second maps" in the specification, but uses "MAP1 and MAP2.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 8-12, 14-15, 21-22 and 24-27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant uses a term "a portion of" in independent claims 1, 11 and 25 that is not defined in the specification. Applicant requires to specify the ranges e.g. sizes, dimensions or etc. of the two maps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8-12, 14-15, 21-22 and 24-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. (hereinafter refers as Saylor), and further in view of Moore.

1. Claim 1,

As per claim 1 "A method of georeferencing a raster map, comprising: Saylor in col. 2 lines 26-47 discloses the limitations for generating method that include the steps of: obtaining a raster image of the existing map; providing a vector database having information characteristic to the territory represented by the rasterized map; displaying a vector map from the vector database, the displayed vector map containing information characteristic to the territory depicted in the rasterized map; substantially aligning corresponding areas of the raster map and the vector map;

geocoding the object database information with X,Y coordinates relative to the vector database, at least some of the X,Y coordinates identifying locations of addresses within the territory depicted by the aligned raster and vector maps, also see fig. 2. The following step of "displaying a first map in one area of a display, said first map being a digital raster map", Saylor in fig. 2 boxes 34 and 30 illustrates two separate maps. The step of "displaying a second map in a second area of the display, the second map being a georeferenced map that displays at least a portion of an identical geographic region displayed in the raster map;"

Saylor in col. 7, lines 9-14 teaches the particular location along the vector of the subject address can be readily determined by one skilled in the art using point/slope geometry. The limitation of "receiving a first point on the first map; receiving a corresponding first point on the second map; receiving a second point on the first map; receiving a corresponding second point on the second map", Saylor in col. 3, lines 8-11 discloses at least some of the X,Y coordinates assigned to the object database information identify addresses within the territory depicted by the aligned raster and vector maps. The following limitation of "receiving a corresponding first point on the second map", Saylor in fig. 2 illustrates a raster scan and an import vector data. A person skill in the art would have been recognizing box number 30 as scanning maps as a raster map or a vector map, and box number 34 as a digitized map data. Saylor is silent explicitly to the claim language of "receiving a corresponding second point on the second map". Saylor in fig. 2, box 38 illustrates overlay raster and vector images, when a person skill in the art marks a point in box 38, actually, marking two maps. However, Moore in fig. 6 illustrates clearly the information for the second map i.e. step 16, Longitude and Latitude, see fig. 16. That correlates these two points to corresponding points X and Y coordinate in fig. 10. The steps of "receiving

pixel coordinates for the first point on the first man and the second point on the first map; receiving geographic coordinates for the first point on the second map and the second point on the second map'. Saylor in col. 2 lines, 49-61 teaches a raster map and the X,Y object database coordinates in a database for subsequent selective display. Using this prestored information, a method for displaying a serviceable event on a rasterized image of a utility network distribution map is also provided. This displaying technique includes the steps of: receiving a customer service call and identifying an address associated with the serviceable event; identifying from the restored database the X,Y coordinates of the address associated with the serviceable event; and displaying the appropriate raster map and a graphical representation of the serviceable event using the X,Y coordinates of the event address. The last step of the claim is "computing a georeferencing function for the first map in accordance with a relationship between the pixel coordinates of the first map and the geographic coordinates of the second map", Saylor in col. 4, lines 7-19 teaches besides raster/vector overlaying capabilities, this multi/simultaneous user software includes CAD capabilities to create nested drawings and maps with graphical tools, complete coordinate geometry features to facilitate the designing and inputting of field and map surveying information for highways, waterways, etc., a graphical relations database system for tracking information contained on maps and drawings, information manipulation capabilities including the ability to zoom and pan maps, and an advanced programmers toolkit which allows users with programming experience to customize the software to particular applications using a high level interface language such as Fortran 77. Thus, it would have been obvious at the time the invention was made to one of ordinary skill in the art to input the information obtain from Moore's Geocodes in fig. 16 into Saylors' fig. 2 step 34 to find the X, Y coordinate points.

Applicant on page 14, line 2 of the specification specifies that there are four points or more, Examiner's interpretation: it would have been obvious to a person skill in the art to recognize that there are four points, because, (X,Y) coordinates points and (Log. , Lat.) the Georefrence points are considered four points. Examiner's comment: Applicant needs to specify the physical position of the two maps, e.g. overlapped, side-by-side and etc. Saylor teaches overlay two separate images (see fig. 2, boxes 30 and 34). Also Applicant needs to specify the identifying and computing of the points are done automatically or manually and how can a user distinguish points between the raster and Georeferenced maps?

2. Claim 2,

As per claim 2, The method of claim 1 further comprising receiving a verification that a point on the first map correctly matches geographically with a corresponding point on the second map", the step would have been obvious to a person skill in the art, because Saylor in fig. 5, steps 76-80 illustrates the step.

3. Claim 3,

As per claim 3, " The method of claim 1 wherein the first map is a portion of the second map", the step would have been obvious to a person skill in the art, because Saylor in fig. 2, step 38 illustrates the limitation. Examiner's comment: Applicant does not specify the first map is a portion of the second map in the specification.

4. Claim 4,

As per claim 4, "the method of claim 1 further comprising assigning a longitude and latitude for at least one of the first point and the second point on the first map based upon the geographic coordinates read for at least one of the first point and the second point on the second map." the

step would have been obvious to a person skill in the art, because Saylor in fig. 2, step 36 illustrates the limitation.

5. Claim 5,

As per claim 5, "the method of claim 1 wherein at least one of the first point and the second point on the first map has a known longitude and latitude", the step of known longitude and latitude would have been obvious to a person skill in the art,, according to Saylor in fig. 2, step 36 illustrates the limitation.

6. Claim 6,

As per claim 6, "the method of claim 1 further comprising assigning a geographic coordinates to an additional point received on the first map using the computed georeferencing function." Saylor in col. 7, lines 1-17 teaches the limitations.

7. Claim 8,

As per claim 8, "the method of claim 1, further comprising receiving an additional point on the first map and automatically marking a corresponding additional point on the second map as calculated by the computed georeferencing function." The step would have been obvious to a person skill in the art, because Saylor in fig. 2, step 36 illustrates that the calculation is done automatically.

8. Claim 9,

As per claim 9, "the method of claim 8 further comprising receiving a correction of the additional point marked on the second map." Saylor in fig. 3, step 62 illustrates rules for the modifications.

9. Claim 10,

As per claim 10, "the method of claim 1 wherein an approximate georeferencing function is predefined." Saylor in col. 5, lines 34-36 teaches the step of this claim.

10. Claim11,

The rejection of claim 1 applies to the rejection of claim 11.

11. Claim 12,

As per claim 12, "The computer readable medium of claim 11 wherein the contents of the computer readable medium are also capable of verifying that the point on the first map correctly matches geographically with a corresponding point on the second map", the step would have been obvious to a person skill in the art, because Saylor in fig. 5, steps 76-80 illustrates the step.

12. Claim 14,

As per claim 14, "wherein the contents of the computer readable medium are also capable of receiving an additional point on the first map and automatically marking a corresponding additional point on the second map as calculated by the computed georeferencing function." The step would have been obvious to a person skill in the art, because Saylor in fig. 2, step 36 illustrates that the calculation is done automatically.

13. Claim 15,

As per claim 15, "The computer readable medium of claim 11, wherein the contents of the computer readable medium are also capable of assigning a longitude and latitude for at least one of the first point and the second point on the second map." the step would have been obvious to a person skill in the art, because Saylor in fig. 2, step 36 illustrates the limitation.

14. Claims 21-22, 24-26,

The rejection of claims 1-6 and 8-10 applies to the rejection of claims 21-22, 24-26.

15. Claim 27,

Saylor in fig. 2, step 38 illustrates overlay raster scan and vector images. It would have been obvious to a person skill in the art to have the same scale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

JEFFERY BRIER
PRIMARY EXAMINER

Javid Amini